

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14511 of the President and Directors of Georgetown College for Georgetown University, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the loading berth, loading platform, and service/delivery loading space requirements (Section 7301) to construct a four story law library to serve the adjacent Georgetown University Law Center in a C-3-C/HR district at premises 111 G Street, N.W., (Entire Square 565).

HEARING DATE: November 19, 1986

DECISION DATE: November 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The property is bounded by Massachusetts Avenue to the north, New Jersey Avenue to the east, Second Street to the west, and G Street to the south and is known as premises 111 G Street, N.W. It is zoned HR/C-3-C.

2. The subject square is located immediately north across G Street from the existing Georgetown University Law Center. The site is currently undeveloped and used for parking by the Georgetown University Law Center.

3. The applicant proposes to construct a four-story law library on the site. The proposed law library will replace the existing law library currently located in the law center building in a separate, more spacious location. The new law library does not create a new use or new requirements but merely continues the present library use in a new structure.

4. The representative of the applicant testified that larger accommodations for the law library are necessary because of the need to house multiple volumes of many texts and treatises as well as adequate study spaces. The representative of the applicant further testified that the existing law library does not comply with the American Bar Association's standards for library space required per student.

5. The proposed library will provide a gross floor area of approximately 135,531 square feet. Sub-section 7302.1 of the Zoning Regulations requires that the applicant provide one loading berth measuring thirty feet in depth, one loading berth measuring fifty-five feet in depth, one loading platform measuring 100 square feet, one loading

platform measuring 200 square feet, and one service delivery loading space measuring twenty feet in depth.

6. The applicant proposes to provide one loading berth measuring thirty feet in depth with a loading platform measuring 196 square feet. Variance relief from the loading requirements of Article 73 of the Zoning Regulations is therefore required.

7. The subject square is irregularly shaped. Further, in terms of site constraints, the architect and traffic engineer testified that G Street is the only street suitable for loading and delivery access. Massachusetts Avenue is a major arterial, carrying 23,100 vehicles daily. Second Street is a one-way, narrow street. The frontage along the New Jersey Avenue is too short for loading purposes.

8. Georgetown University owns in entirety both Square 565 on which the law library is to be built and Square 567 which houses the present Georgetown University Law Center. This represents a substantial holding for a C-3-C District.

9. The applicant testified that the nature of the use of the proposed law library represents an exceptional situation or condition. First, because the library function is merely being transferred to a new location with the existing classroom and other facilities being retained in the existing building loading and delivery requirements should remain as they are presently.

10. The architect further testified that, in terms of design, the applicant has tried to make the proposed facility compatible with the existing Law Center. The architect testified that the proposed library is attractive, relatively low in height (4-stories), and uses a substantial percentage of the irregularly-shaped site. In keeping with the character of the existing building, the floor area ratio (FAR) of the proposed library is 3.5, although an FAR of 6.5 is permitted in the C-3-C District. The Board so finds.

11. The architect further testified that the design difficulties are further compounded by the site constraints requiring loading only from G Street, N.W. The architect testified that the design of the library in accordance with the Zoning Regulations is overly cumbersome, non-compatible with the existing Law Center, and represents a practical difficulty. The Board so finds.

12. By testimony at the public hearing and report marked as Exhibit No. 24I of the record, the traffic engineer found that the proposed use does not need the full loading requirements and that strict application of the Zoning Regulations would result in a practical difficulty to

the applicant. Studies dealing with the number and frequency of truck deliveries to the present law library were submitted to the record. The traffic engineer testified that 55 foot trucks never serve the library. The majority of the deliveries are by small mail vehicle and van. Eighteen foot trucks serve the facility once a month or less frequently. Once every two years, the facility is served by a 30 foot truck. The traffic engineer testified, and the Board finds that the Applicant's proposed loading facilities adequately meet the loading needs.

13. The architect and the traffic engineer testified, and the Board finds, that the variance relief will not adversely affect the neighborhood. The loading berth of 30 feet deep and the loading platform of 196 square feet adequately meet the needs of the law library. Because the new law library will generate no additional loading requirements than those presently existing, and these loading requirements are not substantial, the new library will have no adverse impact on the surrounding neighborhood.

14. By report dated November 10, 1986, and by testimony presented at the public hearing, the Office of Planning recommended that the application be approved subject to the recommendation of the Department of Public Works.

15. By report dated November 12, 1986, and by testimony presented at the public hearing, the Department of Public Works stated that G Street carries a low volume of traffic, approximately 700 average daily vehicles, and operates essentially as a service road for the Georgetown University Law Center. The proposed library would generate a lower volume of traffic than would an office building or other commercial structure due to the nature of its operation and the fact that the library is essentially an extension facility attracting students and faculty already on site. Yet, the Department stated that it is concerned that future loading may be greater than what can be accommodated by one loading berth. The Department further noted that the existing law school does not have any loading berths, and loading takes places from either G or F Streets. Although not seeing this situation as causing traffic conditions of any great concern, the Department recommended that the law library provide three 30 foot off-street loading berths. The Board finds, however, that the Department did not have evidence to support the need for the additional berths nor information to dispute the traffic engineer's testimony that additional berths were not needed. The Board therefore finds that the one loading berth is adequate.

16. By report dated November 12, 1986, ANC 2C stated that this application should be granted. The ANC was of the opinion that the project

would not adversely affect the neighborhood. No residential or commercial uses will be affected by the project.

17. There was no opposition to the granting of this application, either of record or at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking a variance under Paragraph 8201.11 of the Zoning Regulations. The Board concludes that the Applicant has met the burden of proof necessary for variance relief. Specifically, the subject site is unique in its odd, angular-shape and ownership of the entire square and the adjacent Square 567 by Georgetown University. The nature of the low-intensity library use is also an exceptional circumstance in the C-3-C District.

The Board concludes that the strict application of the Article 73 loading requirements would impose a practical difficulty due to the G Street-only access, the desire for compatibility of the building design with the existing Law Center and the actual loading requirements of the Law Library.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. In light of the fact that the library use already exists, the nature of the library use and the low-intensity loading requirements, the Board concludes that the granting of this application would not have an adverse impact on any other property. The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled.

Accordingly it is ORDERED that the application be GRANTED, subject to the CONDITION that construction shall be in accordance the plan marked as Exhibit No. 10 of the record.

VOTE: 5-0 (John G. Parsons, William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: FEB 19 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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